

PRIS-14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner) (Mod 7/19)

UNITED STATES DISTRICT COURT

for the

Northern District of Oklahoma

22CV-016 JFH · SH

Brandon Dean Dickinson

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

State of Oklahoma

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

(to be filled in by the Clerk's Office)

FILED

JAN 12 2022

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

JFH

PRIS-14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner) (Mod 7/19)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Brandon Dean Dirichson

All other names by which
you have been known:

ID Number

Current Institution

Address

David L. Moss

300 N Denver

Tulsa

City

OK

State

74103

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

State of Oklahoma

Job or Title (*if known*)

Shield Number

Employer

Address

313 NE 21st St

Oklahoma OK

City

State

73105

Zip Code

☐ Individual capacity☒ Official capacity**Defendant No. 2**

Name

Owasso Police Dept.

Job or Title (*if known*)

Police Lt. 2007, 2014

Shield Number

Employer

Address

Owasso

City

OK

State

Zip Code

☐ Individual capacity☒ Official capacity

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Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

Tulsa Police Dept
Officer Rogers

Tulsa Police

Tulsa Oklahoma 74103
City State Zip Code☐ Individual capacity☒ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

Muskogee Creek Nation
District Court2501 Lymhville
Okmulgee Oklahoma 74447
City State Zip Code☐ Individual capacity☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☒ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Wrongful conviction 2003, 2014, 2021 9th Aug
Wrongful incarceration 2003, 2014, 2021 Aug 9th
Wrongful arrest 2003, 2014, 2021, 9th Aug.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

miss represented
state did not
protect my rights

Due process, Did Not Read My Rights
Wrongfully imprisoned 5 different times
States Hospital Imprisoned

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

IN 2003 OSAGE COUNTY I WAS WRONGLY CONVICTED OF CHILD ABUSE
 IN 2014 TULSA COUNTY I WAS WRONGLY CONVICTED OF FORGED ALTERED
 PERSCRIPTION. BROWN V. STATE OF OKLAHOMA
 IN 2021 AUG. 13th I WAS WRONGLY ARRESTED ON MY DUE PROCESSES
 WAS VIOLATED 2021. ON NOVEMBER 9th MY RIGHTS WERE NOT READ
 TO ME ON MY DUE PROCESSES IS BEING VIOLATED IN EXCESSIVE ~~PRISON~~

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (explain) _____

Penitentiary
 2021-2022

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

See attached

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

N/A

IV Statement of claim

A 2003

claim 1

I Brandon Dean Dickinson was wrongfully imprisoned and convicted for child Abuse. 12 months. Osage county

claim 2

2014 I Brandon Dean Dickinson was wrongfully imprisoned and convicted to a term of years. I was miss represented by the Public Defender's office. I wrote a 5 page motion to suppress under Brown v's State of Oklahoma. I sent 3 copies one to District Attorney of Tulsa Oklahoma, Tulsa county court clerk, Tulsa county public defender My Attorney and the court never acknowledged it Proving my they violated my Due Processes

claim 3

2021 Aug 9th

Tulsa Police

I Brandon Dean Dickinson was wrongfully arrested and detained for 2 and a half months. my Due Process was violated. I am Cherokee Native and was booked in that way. After a month and a half Muscogee Creek Nation dropped me to state court and said I wasn't Cherokee Native. Later the State dismissed the charge on October 21st 2021

on Back
↓

claim 4 In May of 2007 I was wrongfully put in jail For D.U.I. about 30 days Later I was found Not guilty By Not enough evidence to board me over for trial. Tulsa county court dismissed the case an Dropped charges.

claim 5 Tulsa Police 2017 mid September or October I was sitting outside on about 13th Street eating my food around 8:00 pm or so... about 9 Police show up in force Officer Rogers was telling let me help you, I told officer Rogers I didn't need any help. I started getting upset and in fear for my life. I explained I had no weapons or Drugs or warrants. I turned around and was shot by an officer I turned back turned back around an was tazed, I fell to the ground. I never comited a crime. The Police took me to OSU medical, I was told to sign a waiver and would be Released, I wasn't. I was transported to Family crisses center 24 hrs Later the Police transport me Tulsa center for behavior health after being cleared for release From Family crisses center they injected a drug in me an I did not consent I was No danger to anyone Later the staff Released me said I was luck I was alive.

claim 6 ON November 9th 2021 I was arrested After being Robbed My Maranda Rights were never read to me I'm still incarcerated, I have no idea my charges, my bond amount, or when I go to court my Due Process is violated this happened in claim 3 as well. I requested an Attorney and still have not spoke to one.

claim 7 masgogee Creek Nation I Brandon Dean Dickson Have Had my Due Process Violated, under masgogee Creek Nation Not once but twice. The State of Oklahoma is not protecting the People's Due Process. I am a resident OF Oklahoma

claim 8 Tulsa okla Brandon Dean Dickson I called 911 for an Ambulance in January 2021 After being exposed to a substance requesting medical treatment only they never responded to my address at 23rd and Garnett Tulsa Oklahoma the state did not protect my life

claim 9 The State did not protect the Rights of Brandon Dean Dirickson while having a civil Probate court over Kaylee Lynn Dirickson who later was adopted by the Aunt and Uncle Josh and Brandie Vanderveer. The Father never received Noticed while Wrongfully imprisoned.

claim 10 From 2014 to Present day year after year I noticed the State does Not protect the Homeless myself Brandon Dean Dirickson have been forced to stay outside by John 3:16 Tulsa day center, Salvation Army during covid 19, and increment weather year after year.

claim 11 In 2017 I Brandon Dean Dirickson was to by U.S. Assistant District Attorney to file a Report on the Police Dept. that my civil Right were violated I did this more than once and Never responded back to me.

claim 12 IN 2017 and 2020
I called the F.B.I About
my civil Rights being Violated and
desprett for help No one would
help me or respond such as
Follow up on the matter. I came
to beleive my civil Right did
Not matter to anyone in the
state of Oklahoma, I no longer
have civil Rights that my
family Fought to protect please
help me find justice.

claim 13 Since 2008 Saint John's
Hospital would detain me run
me off And denied treatment in
Jan of 2021, Hillcrest would do the
Same only denied ER treatment
November 2021, South crest
would Not treat me while in ER
in Feb 2021 on or about the
is not Protecting the People.

claim 14 Cherokee nation and Department
of Human Services Failed to
Protect the Rights my Family
From being torn apart

claim 15 ON or About IN November 2001
I was questioned by The F.B.I. my
Bank account was frozen for 2 years
I gained an F.B.I Number But was
Never tried or sentenced. From this
point on over and over I would be
targeted by city and state and federal
Police. My Due Process was Stricken
from me. An the State of Oklahoma
Left me fighting for my life
All in All my civil Rights were taken
from me.

claim 16 Muskogee Creek Nation District court
Oklahoma Twice IN 2021 Aug 13th and
November 9th 2021 I was arrested and my
my civil Rights were violated I was detained
without a hearing the first time over 40 days
Now after being found a dismissed case with
no evidence I'm detained now Jan 7th so
far without a hearing of any kind.

C. What date and approximate time did the events giving rise to your claim(s) occur?

See attached paper

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

The State of Oklahoma did not protect my Civil Rights.

See attached paper

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Loss of employment, Loss of years of my life
Loss of children, depression, PTSD, anxiety
Loss of vehicles
Loss of homes to live in, made me Homeless
and my kidneys shut down
created Mental Health Problems.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Relief from injuries
determined by court

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. If the evidence shows that you did not fully comply with an available prison grievance process before filing this lawsuit, the Court may dismiss the unexhausted claim(s) or grant judgment against you.

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

Brandon Dean Dickinson

2. Court (if federal court, name the district; if state court, name the county and State)

Tulsa, Oklahoma

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3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition.

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Osage county 2008 wrongful conviction
Tulsa county 2021 Aug 9th dismissed
Tulsa county 2014 case convicted wrongfully

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

2. Court (if federal court, name the district; if state court, name the county and State)

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3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

12-25-22

Beardo Dean Sanchez

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Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Brandon Dean Dirichson
Brandon Dean Dirichson
1135623 Doc 656999
300 N. Denver Ave
Tulsa OK 74103
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City State Zip Code

Telephone Number

E-mail Address

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares (or certifies, verifies, or states) under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. §1746. 18 U.S.C. §1621.

Executed at 300 N. Denver Tulsa OK 74103 on 12-26-22
(Location) (Date)

Brandon Dirichson
Original Signature of Plaintiff)

CERTIFICATE OF MAILING

I, Brandon DICKSON, hereby certify that a true and correct copy, to which this is attached, was mailed on this 26, day of Dec, 2021, and mailed to: _____

Address:

300 N. DENVER AVE ← Presently at Jail
Tulsa OKla 74103

also/ 415 W. ARCHER ST.

Tulsa OKla 74103

Respectfully Submitted,

Brandon Dickson

[SEAL]

Notary Public

My Commission Expires On: _____

Brandon Dean Dirichson # 1135623
300 North Denver Ave
Tulsa OK 74103

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